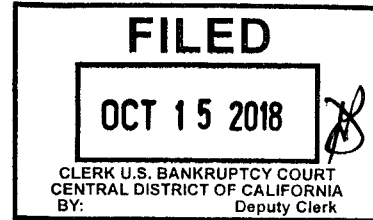


1 Philip J. Layfield  
2 8 The Green  
3 Suite 6426  
4 Dover, Delaware 19901  
5 (302) 401-6804  
6 phil@maximum.global

7  
8 Alleged Debtor



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**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**LOS ANGELES DIVISION**

In re:

Philip James Layfield

Debtor,

Case No.: 2:18-bk-15829-NB

Chapter 7

Assigned to: Hon. Neil Bason

**ALLEGED DEBTOR PHILIP J.  
LAYFIELD'S REPLY TO  
MOTION TO DISMISS  
INVOLUNTARY BANRUPTCY  
CASE**

**Hearing Date: October 24, 2018**

**Hearing Time: 10:00am**

**Place: Courtroom 1545**

**255 E. Temple Street**

**Los Angeles, CA 90012**

**TO THE HONORABLE NEIL W. BASON, UNITED STATES BANKRUPTCY  
JUDGE; WESLEY H. AVERY-INTERIM, CHAPTER 7 TRUSTEE; AND THE  
OFFICE OF THE UNITED STATES TRUSTEE:**

1 Alleged debtor, Philip J. Layfield (hereinafter "Layfield" or "Mr. Layfield Debtor"),  
2 hereby submits this Reply in Support of his Motion to Dismiss Involuntary Case (the  
3 "Reply"). On October 11, 2018, Wellgen Standard, LLC ("Wellgen") filed an Opposition by  
4 and through their counsel Jeffery Golden (the "Opposition"). See Docket #73. Curiously  
5 enough, Mr. Golden also purports to represent Wesley Avery, the chapter 7 interim-trustee  
6 ("Trustee"). As of the date of this Reply, no other party has filed an Opposition.

8 After having reviewed the Opposition Docket #73 and the Courts Order on this Motion  
9 dated October 5, 2018 Docket #56, it is apparent that rather than hold a hearing on the merits,  
10 there is an attempt to confuse the issues, pervert the record and avoid addressing the  
11 deficiencies in the actual Involuntary Petition.  
12

13 First and foremost, Alleged Debtor responds to the allegations by Mr. Golden that he  
14 was not served with this Motion and his allegations that he did not receive the motion by  
15 email either. Alleged Debtor also responds to this Court's allegations that the Motion was not  
16 properly served and was not timely. As an initial matter, Alleged Debtor was not served with  
17 the Involuntary Petition until August 24, 2018. If Alleged Debtor had been personally served,  
18 his due date for a response would have been September 14, 2018. According to Form F 1010-  
19 1.SUMMONS.INVOL, a response is due within 21 days, plus 3 additional days if served by  
20 mail. As a result, the response was due by September 17, 2018. The Response was emailed  
21 to all parties on September 9, 2018 at 10:26 am. See Exhibit 1. The Response was sent via  
22 United States Postal Service to the Intake Clerk on September 10, 2018 at 10:47 am. See  
23 Exhibit 2. That mailing, which included both the Motion and Declaration along with a cover  
24 letter was received by the Intake Clerk on September 12, 2018. See Exhibit 3. A copy of the  
25  
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28

1 cover letter sent to the clerk is attached hereto as Exhibit 4. A screenshot of Alleged Debtor's  
2 computer showing the "properties" of the Motion from the pdf file of the actual motion show  
3 the document was created on September 9, 2018 at 10:09am, which is approximately 15  
4 minutes prior to being emailed to all parties. Alleged Debtor's only obligation was to get the  
5 document to the Intake Clerk for filing by the deadline. It was the Intake Clerk's  
6 responsibility to scan the document and provide notice using the CM/ECF system and  
7 generate a Notice of Electronic Filing. In further support of the underlying facts, Alleged  
8 Debtor alerted the Court to the Motion during the hearing on September 18, 2018. See  
9 Layfield Dec. paragraph 5.

10  
11  
12 There is no question that Alleged Debtor timely served his response to the Involuntary  
13 Petition and but for an error at the Intake Clerks' office, the response should have been timely  
14 posted to the docket. Any assertion by Golden to claim that he doesn't know who was served  
15 or that he wasn't served is simply disingenuous and a clear attempt to prevent a hearing on the  
16 merits. All such assertions should be rejected as yet another improper litigation tactic and a  
17 clear attempt to prevent this pro se debtor who has been forced into these proceedings from  
18 obtaining appropriate relief.

19  
20  
21 With respect to the substance of the arguments, first and foremost is the issue of the  
22 validity of Wellgen's purported judgment. A Motion for Reconsideration has been filed in the  
23 United States District Court in Case No. 8:17-cv-01628 set for hearing on October 22, 2018.  
24 The Motion is well taken and clearly shows that Mr. Golden engaged in misconduct in  
25 obtaining the Wellgen default judgment. Rather than trying to find every technical reason to  
26 deny Alleged Debtor's relief, such as lack of proper proof of service (which has been cured)

1 and claims of untimely mailings, this Court should be more concerned with Mr. Golden's  
2 misconduct in obtaining the judgment and should focus its inquiry on Mr. Golden's  
3 misconduct in securing himself in a position to prevent Alleged Debtor from challenging his  
4 improper litigation tactics. The answer is simple, this Court should sua sponte issue an order  
5 for relief from stay to allow the motion to go forward and eliminate any further waste of  
6 judicial resources to prevent a determination on the merits as to the validity of the Wellgen  
7 default.  
8

9  
10 In relation to the claim that Pachulski has an undisputed claim, Wellgens' arguments  
11 actually prove that Alleged Debtor's position is correct. First and foremost, Wellgen makes  
12 the inappropriate leap to claim that because Alleged Debtor defaulted on an administrative  
13 State Bar Proceeding that somehow the doctrine of *Res Judicata* prevents alleged debtor from  
14 disputed a wholly unsupported allegation by Richard Pachulski ("Pachulski") for conversion  
15 against alleged debtor. Without getting into the specifics regarding the offsets of any alleged  
16 amounts due by virtue of the proofs of claim held by Alleged Debtor, Pachulski does not  
17 benefit from any *Res Judicata* effect. Basically, Wellgen makes the outrageous argument that  
18 as a result of a default that occurred in a State Bar proceeding, Pachulski somehow obtains an  
19 undisputed claim against debtor. Wellgen basically cites to one case in support of this  
20 position. *Shalant v. State Bar of California*, 699 Fed. Appx. 724 (9<sup>th</sup> Cir. 2017). As a matter  
21 of procedure, *Shalant* is an unpublished opinion and it is wholly improper to cite for authority.  
22 However, in the spirit of addressing matters on the merits, *Shalant* is wholly distinguishable  
23 and actually demonstrates that Wellgen's assertion that *Res Judicata* applies to this matter is  
24 improper. The elements must exist for *Res Judicata* to apply: 1. Identify of claims; 2. A  
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1 final judgment on the merits; and 3. Privity between the parties. *See Tahoe-Sierra Pres.*  
2 *Council v. Tahoe Reg. Planning*, 322 F.3d 1064, 1077 (9<sup>th</sup> Cir. 2003). In *Shalant* the  
3 attorney raised a due process defense during his state bar trial. In a later lawsuit by Shalant  
4 against the State Bar in a section 1983 lawsuit, Shalant asserted claims for violation of due  
5 process. The three prongs of *Res Judicata* existing in that situation. Same Claims, Judgment  
6 on the Merits and Identical Parties. In this case, the State Bar case against Alleged Debtor  
7 was based on different claims and different parties. Furthermore, there was no actual  
8 determination that Alleged Debtor converted any monies for his own benefit. Pachulski  
9 cannot and will not bring an action against Alleged Debtor for conversion because Pachulski  
10 knows that debtor did not convert funds. Pachulski knows that Alleged Debtor only received  
11 his salary from L&B. If this Court were to file Wellgen's logic, then Pachulski could bring an  
12 adversary complaint against Layfield and Layfield would be precluded from asserting any  
13 defense whatsoever based on *Res Judicata*. This reasoning is preposterous and should be  
14 rejected by this Court. For this reason alone, Alleged Debtor's petition should be granted.

15  
16  
17  
18 Clearly, Alleged Debtor has successfully shifted the burden to the Petitioners and  
19 Petitioners have failed to meet their burden. Pachulski doesn't even attempt to challenge this  
20 because he knows he can't.

21  
22 Debtor respectfully requests that this Court immediately enter an Order granting Alleged  
23 Debtor's Motion to Dismiss.

24  
25  
26 Dated: 10/12/18

By: 

Philip J. Layfield

**DECLARATION OF PHILIP LAYFIELD**

I, Philip J. Layfield, hereby Declare as follows:

1. I have personal knowledge of the facts stated herein.

2. If called upon to testify, I could and would testify to the facts stated to  
hereinafter

3. On September 9, 2018 I personally emailed courtesy copies of the  
Motion to Dismiss the Involuntary Bankruptcy Petition and Declaration in Support  
Thereof. Attached as Exhibit 1 is a true and correct copy of the email chain showing the  
email to the Petitioning Creditors on September 9, 2018 at 10:26am.

4. On September 10, 2018 (which was a Monday), my wife Christine  
Layfield personally went to the post office to mail the Motion to Dismiss and  
Declaration to the United States Bankruptcy Court, Roybal Building and obtained a  
receipt for the mailing. A true and correct copy of the receipt is attached hereto as  
Exhibit 2.

5. On October 12, 2018, I personally entered the tracking number of the  
receipt obtained in Exhibit 2 into the USPS tracking website and confirmed that the  
package was received on September 12, 2018. Attached as Exhibit 3 is a true and  
correct copy of the print out from the [www.usps.com](http://www.usps.com) website showing the tracking  
history of the package containing the Motion to Dismiss.

6. Attached as Exhibit 4 is a true and correct copy of the cover letter  
included to the Intake Clerk with the package mailed on September 10, 2018.

7. Attached as Exhibit 5 is a true and correct copy of a screenshot from  
my personal computer that was used to draft the Motion to Dismiss. A review of that  
screenshot shows the Motion to Dismiss was last modified on September 9, 2018 at  
10:09 am, which is approximately 15 minutes prior to the time I emailed the document

1 to the Petitioning Creditors. Any assertion by Mr. Golden or his staff that they did not  
2 receive my email or that somehow my Motion was not timely served is false.  
3

4 Dated this 12<sup>th</sup> day of October 2018 at Millsboro, DE.

5 I declare under penalty of perjury under the laws of the United States that the  
6 foregoing is true and correct to the best of my knowledge, information and belief.

7  
8 By: 

9 Philip James Layfield  
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**EXHIBIT 1**



Message 1 of 6

Sent at: 9/9/2018 10:26:02 AM

---

## Motion to Dismiss Involuntary Petition

From: Mr Philip Layfield <phil@maximum.global>

To: jgolden@lwgfllp.com, mpagay@pszlaw.com, wes@averytrustee.com, megan.h.baer@gmail.com

---

Please see attached set for hearing in October.

---

### Attachments:

2018.9.8 Layfield Declaration in Support of Motion to Dismiss Involuntary Petition.pdf (21 MB)

2018.9.8 Motion to Dismiss Involuntary Case.pdf (369 KB)

---

Message 2 of 6

Sent at: 9/10/2018 9:32:50 AM

---

## Fwd: Motion to Dismiss Involuntary Petition

From: Mr Philip Layfield <phil@maximum.global>

To: Tina M. Talarchyk, Esq. <tmt@palmbeachbk11.com>

---

Download Attachment

Available until Oct 10, 2018

---

This was filed over the weekend. Have a look. Feel free to allocate time to this for reading and we can include in the fee app when I win if you want. I went at them pretty hard.

Sent from my iPad

Begin forwarded message:

**From:** "Philip Layfield" <phil@maximum.global>

**Date:** September 9, 2018 at 10:25:21 AM EDT

**To:** "" <jgolden@lwgfllp.com>, "" <mpagay@pszlaw.com>, "" <wes@averytrustee.com>, "" <megan.h.baer@gmail.com>

Please see attached set for hearing in October.

Click to Download

2018.9.8 Layfield Declaration in Support of Motion to Dismiss Involuntary Petition.pdf

21.2 MB

Click to Download

2018.9.8 Motion to Dismiss Involuntary Case.pdf

369 KB

---

Message 3 of 6

**Sent at:** 10/1/2018 5:34:53 PM

---

## Fwd: Motion to Dismiss Involuntary Petition

From: Mr Philip Layfield <phil@maximum.global>

To: sharon\_sumlin@cacb.uscourts.gov

---

Please see the below email where everybody was served. As I explained, for some reason I only received the file stamped copy of the Declaration back from the Clerk's office even though I submitted 3 copies.

Let's set this for October 24, 2018 at 10:00am as well. I will provide new notices.

Thank you.

Sent from my iPad

**Attachments:**

2018.9.8 Layfield Declaration in Support of Motion to Dismiss Involuntary Petition.pdf (21 MB)

2018.9.8 Motion to Dismiss Involuntary Case.pdf (369 KB)

Message 5 of 6

**Sent at:** 10/3/2018 5:34:13 PM

## Re: Fwd: Motion to Dismiss Involuntary Petition

From: sharon\_sumlin@cacb.uscourts.gov  
To: Mr Philip Layfield <phil@maximum.global>

Mr. Layfield,

Your notice is not proper notice. You will need to file an amended notice of motion with the correct hearing information of October 24, 2018 at 10:00 a.m. If service is not proper and filed with the clerks office according to the local rules then the motion will not go on calendar for that day.

Thank you

**United States Bankruptcy Court**

Central District of California

*Sharon Sumlin*

**Courtroom Deputy to the  
Honorable Neil Bason**



**Los Angeles (213) 894-4085**

[sharon\\_sumlin@cacb.uscourts.gov](mailto:sharon_sumlin@cacb.uscourts.gov)

From: Philip Layfield <phil@maximum.global>  
To: sharon\_sumlin@cacb.uscourts.gov,  
Date: 10/01/2018 02:35 PM  
Subject: Fwd: Motion to Dismiss Involuntary Petition

Please see the below email where everybody was served. As I explained, for some reason I only received the file stamped copy of the Declaration back from the Clerk's office even though I submitted 3 copies.

Let's set this for October 24, 2018 at 10:00am as well. I will provide new notices.

Thank you.

Sent from my iPad

Begin forwarded message:

**From:** "Philip Layfield" <phil@maximum.global>

**Date:** September 9, 2018 at 10:25:21 AM EDT

**To:** "" <jgolden@lwgfllp.com>, "" <mpagay@pszjlaw.com>, "" <wes@averytrustee.com>, "" <megan.h.baer@gmail.com>

**Subject:** Motion to Dismiss Involuntary Petition

Please see attached set for hearing in October.

This message is confidential. It may also be privileged or otherwise protected by the work product doctrine or other legal rules. If you have received it by mistake, please let us know by e-mail reply, and delete it from your system. You may not copy this message or disclose its contents to anyone. The integrity and security of this message cannot be guaranteed on the Internet. [attachment "attuki6c.pdf" deleted by Sharon Sumlin/CACB/09/USCOURTS] [attachment "2018.9.8 Motion to Dismiss Involuntary Case.pdf" deleted by Sharon Sumlin/CACB/09/USCOURTS]

---

Message 6 of 6

Sent at: 10/4/2018 12:03:28 PM

---

## Re: Motion to Dismiss Involuntary Petition

From: Mr Philip Layfield <phil@maximum.global>

To: sharon\_sumlin@cacb.uscourts.gov

---

I am preparing the amended notice shortly along with a new proof of service. I will send you a copy when it is ready.

Thank you.

Sent from my iPad

On Oct 3, 2018, at 5:34 PM, [Sharon\\_Sumlin@cacb.uscourts.gov](mailto:Sharon_Sumlin@cacb.uscourts.gov) wrote:

[Quoted text hidden]

---

Sent at: 9/9/2018 10:26:02 AM

---

## Motion to Dismiss Involuntary Petition

From: Mr Philip Layfield <phil@maximum.global>

To: jgolden@lwgflp.com, mpagay@pszjlaw.com, wes@averytrustee.com, megan.h.baer@gmail.com

---

Please see attached set for hearing in October.

---

### Attachments:

2018.9.8 Layfield Declaration in Support of Motion to Dismiss Involuntary Petition.pdf (21 MB)

2018.9.8 Motion to Dismiss Involuntary Case.pdf (369 KB)

---

**EXHIBIT 2**

Main Document

USPS TRACKING  
CUSTOMER  
RECEIPT9714 0916 423 6320 2992 32  
For Tracking or inquiries go to USPS.com  
or call 1-800-222-1811.

*to Royal Bank*

MILLSBORO  
100 MAIN ST  
MILLSBORO  
DE  
19966-9998  
0945100966  
09/10/2018 (800)275-8777 10:47 AM

*Zeith*

Product Description	Sale Qty	Final Price
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\$6.70 Pri Mail (Unit Price:\$6.70)	1	\$6.70
Prepaid Mail (Weight:4 lbs. 2.70 oz.) (Destination:LOS ANGELES, CA 90012) (Acceptance Date:09/10/2018 10:46:20) (Label #:420900129405803699300690579855)	1	

Total	\$6.70
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Debit Card Remit'd (Card Name:VISA) (Account #:XXXXXXXXXXXX3588) (Approval #: (Transaction #:539) (Receipt #:018481) (Debit Card Purchase:\$6.70) (Cash Back:\$0.00) (AID:A00000000980840 (AL:US DEBIT) (PIN:Verified)	\$6.70	Chip)
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YOUR OPINION COUNTS



**EXHIBIT 3**

ALERT: USPS SERVICES ARE DISRUPTED IN SOME FLORIDA PANHANDLE AREAS IMPACTED...

# USPS Tracking<sup>®</sup>

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Track Another Package +

Tracking Number: 420900129405803699300690579855

Remove X

On Time

Expected Delivery on

WEDNESDAY

**12** SEPTEMBER  
2018 ⓘ

Feedback

✓ **Delivered**

September 12, 2018 at 12:54 pm  
Delivered, To Mail Room  
LOS ANGELES, CA 90012

Get Updates ▼

---

Text & Email Updates ▼

---

Tracking History ▲

**September 12, 2018, 12:54 pm**

Delivered, To Mail Room  
LOS ANGELES, CA 90012

Your item has been delivered to the mail room at 12:54 pm on September 12, 2018 in LOS ANGELES, CA 90012.

**September 12, 2018, 10:44 am**

Out for Delivery  
LOS ANGELES, CA 90012

**September 12, 2018, 9:43 am**

Out for Delivery  
LOS ANGELES, CA 90012

**September 12, 2018, 9:33 am**

Sorting Complete  
LOS ANGELES, CA 90012

**September 12, 2018, 7:01 am**

Arrived at Unit  
LOS ANGELES, CA 90012

**September 12, 2018, 4:09 am**

Arrived at USPS Facility  
LOS ANGELES, CA 90012

**September 12, 2018, 1:42 am**

Departed USPS Regional Facility  
LOS ANGELES CA NETWORK DISTRIBUTION CENTER

**September 12, 2018, 1:39 am**

Arrived at USPS Regional Destination Facility  
LOS ANGELES CA NETWORK DISTRIBUTION CENTER

**September 11, 2018**

In Transit to Next Facility

**September 10, 2018, 8:16 pm**

Arrived at USPS Regional Origin Facility  
PHILADELPHIA PA NETWORK DISTRIBUTION CENTER

**September 10, 2018, 2:25 pm**

Departed Post Office  
MILLSBORO, DE 19966

Feedback

**September 10, 2018, 10:47 am**

USPS in possession of item  
MILLSBORO, DE 19966

**September 9, 2018**

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

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## Product Information



**Postal Product:**  
Priority Mail®

**Features:**  
Insured

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See Less ^

Feedback

## Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

**FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)**

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- Automatically track the packages you're expecting.
- Set up email and text alerts so you don't need to enter tracking numbers.
- Enter USPS Delivery Instructions<sup>™</sup> for your mail carrier.

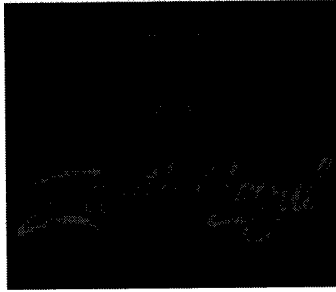
### **Sign Up**

**([https://reg.usps.com/entreg/RegistrationAction\\_input?](https://reg.usps.com/entreg/RegistrationAction_input?app=UspsTools&appURL=https%3A%2F%2Ftools.usps.com%2Fgo)**

**\*NOTE: Black and white (grayscale) images show the outside, front of letter-sized envelopes and mailpieces that are processed through USPS automated equipment.**

Feedback

**EXHIBIT 4**



September 9, 2018

Bankruptcy Court Filing Window  
United States Bankruptcy Court  
Roybal Federal Building  
255 E. Temple Street  
Los Angeles, CA 90012

RE: In Re Philip James Layfield, APC Case No. 2:18-bk-15829-NB

Dear Filing Clerk:

Please find enclosed the following for filing:

1. Motion to Dismiss Involuntary Ch. 7 Bankruptcy .

I have included 3 copies of this Motion. Please forward a copy to the Judge's Chambers. Please include the file-stamped copies in the pre-paid, self addressed envelope.

Sincerely,

Philip J. Layfield

**1875 Connecticut Avenue  
10<sup>th</sup> Floor  
Washington, DC 20009  
[www.zenith-law.com](http://www.zenith-law.com)  
(202) 904-4409**

**EXHIBIT 5**



Motion to Dismiss Personal Bankruptcy

ime Share View

Copy Paste Cut Copy path Paste shortcut

Move to Copy to Delete Rename

Organize New folder

New item Easy access

Open Properties Edit History

Select all Select none Invert selection

Clipboard

↑ - RUD > phil > Desktop > October 22 to 26 Motions > October 24 Motion to Dismiss Involuntary Bankruptcy > Motion to Dismiss Personal Bankruptcy

Documents	Name	Date modified	Type	Size
ic	2018.9.5 Cover Letter to In Re Motion to Dismiss...	9/9/2018 10:21 AM	Foxit PhantomPDF P...	
ires	2018.9.8 Layfield Declaration in Support of Mot...	9/9/2018 6:15 AM	Microsoft Word Doc...	
d Pictures	2018.9.8 Layfield Declaration in Support of Mot...	9/9/2018 6:41 AM	Foxit PhantomPDF P...	
os	2018.9.8 Motion to Dismiss Involuntary Case.d...	9/9/2018 9:51 AM	Microsoft Word Doc...	
rk	2018.9.8 Motion to Dismiss Involuntary Case.pdf	9/9/2018 10:09 AM	Foxit PhantomPDF P...	
rud	F9013-3.1PROOFSERVICE.pdf	9/9/2018 10:07 AM	Foxit PhantomPDF P...	

2018.9.8 Motion to Dismiss Involuntary Case.pdf Properties

General Details Previous Versions Offline Files

Type of file: Foxit PhantomPDF PDF Document (.pdf)  
Opens with: Foxit PhantomPDF 7.3 Change...

Location: \\mis-rud\RUD\phil\Desktop\October 22 to 26 Motion  
Size: 369 KB (377,952 bytes)  
Size on disk: 372 KB (380,928 bytes)

Created: Sunday, September 9, 2018, 10:09:20 AM  
Modified: Sunday, September 9, 2018, 10:09:20 AM  
Accessed: Sunday, September 9, 2018, 10:09:20 AM

Attributes: ☐ Read-only ☐ Hidden ☒ Archive

OK Cancel Apply

1 Philip J. Layfield, Pro Se  
2 1875 Connecticut Avenue N.W.  
3 Washington, DC 20006  
4 Telephone: (202) 904-4409  
5 phil@maximum.global

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11 In re: v.  
12 Philip James Layfield,  
13 Debtor

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UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES DIVISION

Case No.: 2:18-bk-15829-NB  
Chapter 7  
Assigned to: Hon. Neil Bason

ALLEGED DEBTOR PHILIP J. LAYFIELD  
MOTION TO DISMISS INVOLUNTARY CASE  
AND MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT THEREOF

HEARING DATE: OCTOBER 25, 2018  
HEARING TIME: 8:30 AM  
COURTROOM: 1545

TO THE HONORABLE NEIL W. RASON, UNITED STATES BANKRUPTCY JUDGE;  
WESLEY H. AVERY-INTERIM, CHAPTER 7 TRUSTEE; AND THE OFFICE OF THE  
UNITED STATES TRUSTEE:

Alleged debtor, Philip J. Layfield (hereinafter "Layfield" or "Mr. Layfield Debtor"), hereby  
submits this Motion to Dismiss ("MTD") seeking entry of an order from the Court dismissing the  
above-captioned involuntary bankruptcy case. This Motion to Dismiss is made and based upon the  
following points and authorities, the Declaration of Philip J. Layfield with supporting exhibits filed  
in support hereof (the "Layfield Declaration"), the pleadings and papers on file with the Court in

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
102 Moores Crossing #7, Millsboro, DE 19966

A true and correct copy of the foregoing document entitled (*specify*): Layfield Reply Re Motion to Dismiss Involuntary  
Petition

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 10/12/2018, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Beth Gaschen bgaschen@wglp.com, kadele@wglp.com, vrosales@wglp.com, cbmeeker@gmail.com, cyoshonis@wglp.com, Faye Rasch frasch@wglp.com, tziemann@wglp.com, Jeffrey Golden: jgolden@wglp.com, Malhar S. Pagay: mpagay@pszlaw.com Wesley Avery wes@averytrustee.com, c117@ecfbis.com, lucy@averytrustee.com, alexandria@averytrustee.com

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) 10/12/2018, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Bankruptcy Court Filing Window  
United States Bankruptcy Court  
Roybal Federal Building  
255 E. Temple Street  
Los Angeles, CA 90012

☐ Service information continued on attached page

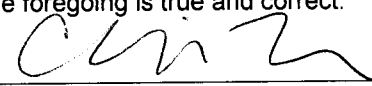
**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) 09/09/2018, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Megan Baer megan.h.baer@gmail.com  
Overnight Mail to:  
Michael LeBlanc, 3831 Yazoo Drive, Lake Havasu City, AZ 86404 and to

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

10/12/2018 Christine Layfield  
*Date Printed Name*

  
*Signature*

**ATTACHMENT TO PROOF OF SERVICE**

**1. CONTINUED SERVICE LIST:**

**Jeffrey L Sumpter jsumpter@epiqtrustee.com, jsumpter@cbiz.com**

**United States Trustee (LA) ustpreion16@la.ecf@usdoj.gov**

**Dennis J. Wickham wickham@scmv.com, nazari@scmv.com**